



REGULAR MEETING MINUTES

for

Wednesday, May 30, 2007

4:00 P.M. – 5th Floor Small Conference Room
and

5:30 P.M. – Art Pick Council Chambers
3900 Main Street, Riverside, CA

CASE REVIEW – 4:00 P.M.

1. Case Review Roll Call

Brewer	VACANT	Hubbard	Brandriff	Ward	Pearcy	Corral	VACANT	Simpson
✓	X	✓	✓	✓	✓	✓	X	✓

✓ = Present A = Absent

Staff: Mario Lara, Interim CPRC Manager; Phoebe Sherron, Sr. Office Specialist

2. Public Comments

This is an opportunity for members of the public to address the Commission on closed session items

3. Closed Session - Case Review

Pursuant to Government Code Section 54957, the Commission will adjourn to Closed Session to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1)	06-070	PC-06-12060
2)	06-035	PC-06-06009
3)	06-075	PC-07-02013
4)	07-012	PC-07-03020

OPEN SESSION – 5:30 P.M.

Audio for the following proceedings is available on the CPRC website:

www.riversideca.gov/cprc

Copies can also be obtained by calling the CPRC office at (951) 826-5509.

PLEDGE OF ALLEGIANCE

ROLL CALL

4. Public Comments

Mary Shelton

Ms. Shelton expressed concern regarding comments made during a recent CPRC Special Meeting (May 9) that witnesses may not have seen the Taser in Mr. Brown's hand because the Taser did not contrast against Mr. Brown's skin.

Ms. Shelton said that the "larger subject" was the issues the Commission has faced in the past six months and what it's like "to be an Executive Director, a commissioner, and a member of the public," and that "the one common theme seems to be is that people aren't being asked what they want. They're being told what is going on."

Ms. Shelton stated that "the community has never been asked during this process, what it wants." She commented on CPRC's present office, saying that "it's very symbolic" of everything that's happened recently.

Woodie Rucker-Hughes

Ms. Rucker-Hughes commended the commissioners for the voluntary hours they put in on the Commission. She asked the Commission to "very cautiously go down the path dealing with the whole mindset of the Taser canister being black as an absence of color or the color of this and Lee Deante Brown being black, but not black, and the idea that you can't tell the difference."

Ms. Rucker-Hughes informed the Commission that she went to the Welcome Inn the Monday after the shooting and interviewed the people who were there. She said that she heard a lot and that a week or so later, she, Mary Figueroa, and The East Side Think Tank held a public forum to allow people to "express themselves." She said they advised the people to "allow the system to do its job."

Ms. Rucker-Hughes said that if a mistake was made, that could be accepted. She asked the Commission not to "whitewash this matter," noting that that would be "the wrong thing to do."

Nanette Pratini

Ms. Pratini said that the Commission has a huge job ahead of it in that it is working on a very complicated case with several new commission members, a new chair, and a new manager. She said that she is troubled by the Commission's finding reached "so far very troubling." She noted that it was fortunate that there were many witnesses, yet feels that many of those statements seem to be "discounted."

Ms. Pratini said one of the purposes of the Commission is to track officers and flag those who might have problems. She said she feels the Commission is reluctant to do that at this point. She said this is an important role of the Commission and one "that should be paid more attention to."

Robert Melsh

Mr. Melsh said that new commission members should attend the orientation session as soon as possible. He also "wondered" if the new commissioners would be "participating in the deliberations on the Brown Case, probably with a lack of training, without sufficient orientation..."

Mr. Melsh said that he supported Ms. Rucker-Hughes comments. He said he agreed with Ms. Pradini in that he feels there is evidence that hasn't been considered or considered carefully and that there has been "a rush to judgment."

Mr. Melsh said another important consideration is to allow a minority report to be "written, considered, and reacted to" prior to a final decision. He closed by saying all results should be made "clearly and publicly."

Letitia Pepper

Ms. Pepper spoke of being illegally arrested by RPD at her home, noting that that experience was with certain people. She said that while people tend to blame an entity, it's really about "specific people doing specific things" and that it's important for people to realize that.

Ms. Pepper noted that there are jobs or positions that "call" to people "who are not there to do our will, but to do what they wish to do," and gave as an example a San Bernardino officer who, for many years, raped prostitutes "because he could." She said it is very important that the commission look carefully at what is going on because "there may be some of those people in our city acting under our authority and paid by us."

Ms. Pepper concluded by asking the Commission to "do the right thing."

5. Approval of Minutes

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
A) April 23 Special Meeting	Brewer	Corral	5	0	2
B) April Regular Meeting	Brewer	Corral	5	0	2
C) May 9 Special Meeting	Brewer	Corral	7	0	0

6. Staff Report

Mr. Lara reported on:

- Executive Director Position:
 - 59 applications were reviewed by the City and Community panels;
 - Narrowed down to 20 applicants who were invited to submit supplemental information;
 - Both panels reviewed the supplemental information;
 - Human Resources is in the process of further reducing to approximately 8 – 10 candidates who will be invited for oral interviews
 - Interviews will be probably be scheduled for the second week of June;
 - Asked commissioners to forward to him any concerns or comments regarding the process or items to be considered by the Community panel during the upcoming interviews.

Chairman Percy noted that he and Commissioner Ward sit on the Community Panel. He also said that as Human Resources would be forming interview questions for the candidates and asked that commissioners submit any questions or thoughts they would like to have considered.

7. Committee Reports

A) Outreach Committee – Sheri Corral, Chair

Commissioner Corral reported that there was no meeting in May.

B) Policies & Procedure Review Committee – Steve Simpson, Chair

Commissioner Simpson reported that the Committee:

- Met and discussed
 - Item 4A – Parliamentary Procedures
 - Study adoption of a more formal setting
 - Robert's Rules of Order to be purchased for Committee review
 - Item 4B – Meeting Format
 - Issue being addressed by Commission Chair to conduct CPRC meetings according to procedural rules that govern the City Council

Mary Shelton

Ms. Shelton said she is glad that Brown Act training is being scheduled. She said that with all the new commissioners, a "refresher course" needed to be held. She said she was glad that the confusion regarding public comments had been straightened out. She was also glad that Commissioner Simpson had asked for a legal opinion regarding the posting of committee agendas.

8. Training

Mr. Lara asked the Commission to consider dates on which to hold the Brown Act and Code of Ethics training.

Chairman Percy asked that the schedules of the two new commissioners be taken into consideration when scheduling the training.

Commissioner Brewer suggested that, as the current caseload is light, the training could be held in the time frame currently allotted for case review.

Chairman Percy suggested that the June 27 Case Review time period be used for the training. He also asked staff to check with the new commissioners to make sure there is no conflict with their schedules.

9. Outreach Committee & Case Review Meeting Schedule Revision

Chairman Percy advised that, due to a Commission / Outreach Committee member's work schedule conflicting with the Outreach Committee start time of 3 PM, the Commission was asked to discuss and vote to approve changing the meeting times of the Outreach Committee and the 2nd Wednesday Case Review Meeting.

Motions for Approval	Motion	Second	Approve	Oppose	Abstain
A) Change the Outreach Committee's meeting time of 3 – 4 PM to 4 – 4:30 PM on 2 nd Wednesdays.	Simpson	Corral	7	0	0
B) Change the Case Review Meeting's start time of 4 PM to 4:30 PM on 2 nd Wednesdays.	Brewer	Corral	7	0	0

10. Brown Officer-Involved Death Case – Continuing

A) Continue discussion of the Commission's public report regarding the officer-involved death of Lee Deante Brown on April 3, 2006.

Mary Shelton

Ms. Shelton said she has been bothered by the lack of question on the part of most commissioners. She said that she hoped that the Commission would examine the actions of an officer that put another officer in danger.

Ms. Shelton said that "was one of at least three mistakes that Officer Ellefson made regarding his Taser. She said there has been no discussion regarding whether or not the officers had the appropriate Taser training.

Ms. Shelton commented on the location of witnesses, asking the commissioners if they had ever stood in the positions of the witnesses to "see if you could see yourself?" She concluded by saying she was "glad you're upholding this shooting because I realize that if it was a Sustained use of force, the burden of proof, as shown by the Lane case, is way, way, way higher and the level of discussion wouldn't have even come close to meeting that standard for sustaining it."

Michael Dunn

Mr. Dunn said he agreed that the DNA analysis should be disregarded, noting that, as a professional biochemist, "the DNA information in this case is worthless" and "does not have the substance it has to carry any weight in this case."

Mr. Dunn said he was also concerned about several of the other aspects of the case. He said he believed there was a greater likelihood, based on witness and officer statements, that Mr. Brown was on the ground when he was shot. He said that if that is the case, "what's the story about him standing, lunging with the Taser, towards the officers? It seems as if that didn't happen and if that didn't happen, then how can you use the other statements, especially of Officer Ellefson to exonerate the officers in this shooting?"

Jennifer Vaughn Blakely

Ms. Blakely introduced herself as the Chairman for The Group, a grass-roots public policy organization in operation since 1999. She expressed concern regarding the language of skin color and the Taser concerning in the Brown report. She asked that the Commission "do the right thing and handle this racist nature of this matter of your communications, discussion, and recommendation for training to the police department."

Ms. Blakely also noted that The Group played a key role in recommending that the city place a Code of Ethics on the ballot for inclusion in the City Charter. She said that is important in keeping with the intent of a transparent government. She concluded by asking the Commission to make the minority report a public document with public discussion which should be done before the final report is completed.

Bill Howe

Mr. Howe introduced himself as one of the original nine CPRC commissioners and CPRC consultant, as well as a retired police chief. He said that there are witnesses who were not interviewed or witnesses whose version of the incident has been ignored. He also commented on the mishandling of the DNA evidence. He noted that leading questions were asked during the interviews of the officers. He also commented on the lack of follow-up concerning discrepancies in the case.

Mr. Howe noted that of the seven commissioners, three have had little or no training regarding OI cases. He asked if they would be getting training and then commented on the fact that two more new commissioners would soon be coming on board.

Mr. Howe closed by asking the Commission to carefully scrutinize the report and to come up with a fair conclusion for both the officers and citizens of Riverside.

Linda Dunn

Ms. Dunn commented on how quickly the Brown incident occurred. She asked why there was such a rush to deal with Mr. Brown when he wasn't a threat to anyone.

Ms. Dunn also commented on the number of times the officers told Mr. Brown to put his hands behind his back, noting that that was what he heard as he died. She concluded by saying the next person in a situation like that "deserves better, deserves police officers who don't rush to contain a situation that doesn't need containing, needs waiting and a careful approach."

Christina Duran

Ms. Duran said she is concerned regarding the discussion that witnesses may not have noticed the Taser in Mr. Brown's hand. She also asked why the Commission doesn't have witnesses come before it so they can give their testimony directly to the Commission.

Ms. Duran commended the commissioners for their hard work, noting that the work is very difficult. She concluded by saying, "We're not asking anyone to second-guess the officers. But as people who represent the City of Riverside, the community, we do ask that you would really search your heart when you're going through this case."

Letitia Pepper

Ms. Pepper spoke of her background as a teacher and as an attorney, working for appellate court judges. She expressed concern regarding the portion of the officers' recording containing the statement, "drop the gun." She believes that, when neither officer remember making that "important statement," she said she is "sure that neither of them wants to admit that that was added to the recording to help them." She believes that should give the Commission "grave pause" about continuing forward with its finding.

B) Set date for next special meeting to continue work on public report.

Chairman Percy noted that the Commission is still working on the report. He suggested that, depending on the number of cases for review, the Commission could use the first half hour for case review, then the remainder of time for a special meeting to continue working on the Brown report.

Commissioner Simpson asked if there would be another public comment period at the special meeting.

Chairman Percy said there would be as he thought it "would be incorrect nor would it probably be appropriate" not to allow for public comment.

Commissioner Simpson asked about the minority report. He said that, from what he was hearing from the public, they would like to see that report before the Commission takes any final action.

Chairman Percy said he had spoken to Staff on this issue. He said that a dissenting opinion would

be part of the Commission's report and, as such, the minority report would have to be approved by the Commission. He noted that the Commission has indicated that it is willing to allow a dissenting opinion, but that for purposes of discussion, the dissenting opinion would need to be provided to the Commission to allow for public comment just as for any other part of the report. Once that is done, that would allow the Commission to comment on it, just like any part of the report, and then the Commission would be able to adopt it.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Schedule Brown Act and Code of Ethics training for June Regular Meeting in lieu of Case Review	Simpson	Brewer	7	0	0

11. **Investigate Institution of Mediation Process**

Chairman Percy asked the Commission to consider a process to not only received complaints. He said there are cases that come through the complaint process dealing with Conduct Unbecoming an Officer (CUBO), Discourtesy, and others such as Inquiries, when people file complaints because of their uncertainty of the process.

Chairman Percy suggested that, in the Commission's role as advisors to the City Council and RPD, it might be beneficial to consider, through the Office of the City Manager, the mediation process.

Commissioner Brewer noted that this issued was explored quite thoroughly several years ago and that nothing came of it.

Chairman Percy noted that as there are new parties in the process, it might be beneficial to revisit it.

Commissioner Simpson asked how the Commission would fit into a mediation process.

Chairman Percy said he is not looking at the Commission as being part of the mediation process. He said he is "trying to allow another vehicle to allow the citizens to come and get their questions answered or to vent about certain issues." He said it could also be seen as the City having "another tool in the tool belt" for the interacting and interfacing with the community and the police department.

Commissioner Simpson asked if it would be like binding arbitration.

Chairman Percy said no and that mediation is voluntary and that both parties would have to agree to it. He also said that even though mediation has been discussed in the past, it might be a good time to revisit the issue, especially since the Commission will have a new Executive Director soon. He also noted that the use of mediation is more common than in the past several years.

Mr. Lara suggested that Consultant Joe Brann be asked to look at and include in his report to the Commission, information regarding mediation.

Commissioner Simpson made a motion to recommend that the consultant include in his report a study on mediation. Vice-Chair Corral seconded.

Chairman Percy opened the item public comment.

Letitia Pepper

Ms. Pepper noted that mediation is used to resolve problems between people like in family law. She noted that while mediation is a "great tool," it should not be used when one party is more dominating and has more power, whether that power be emotional, monetary, or by way or authority. Because of that, she doesn't think mediation is an appropriate tool for the Commission.

Chairman Percy reiterated that mediation is not being recommended for the Commission to use, but as a tool for the City. He noted that "this is not a role for us to undertake as the police review commission nor was I intending or opining that that's a role we should, 'cause it's not."

Mary Shelton

Ms. Shelton said that complainant's don't favor mediation, noting that it's usually more beneficial to the officer as it helps the officer sidestep the complaint process. Another concern she voiced was regarding the dominance of police officers because they are trained to dominate situations. She also expressed concern regarding the issue of confidentiality on the part of both the complainant and the officer.

Christina Duran

Ms. Duran said that her concern regarding mediation was how officers would be tracked and if mediation would keep an officer's record clear. She expressed concern that if people use mediation and things are said about certain officers, there would be nothing of those concerns in the officer's file.

Motion for Approval	Motion	Second	Approve	Oppose	Abstain
Direct Staff to have Consultant Joe Brann include in his report information regarding the merits of mediation	Simpson	Corral	7	0	0

12. Commissioner Comments

Commissioner Simpson asked to what extent the Commission is allowed to invite or compel witnesses to appear before it. As the City Attorney was no longer present, Commissioner Simpson directed the question to staff.

Mr. Lara said it was his understanding that the Commission has subpoena authority and can compel witnesses to appear.

Commissioner Simpson asked what would happen if a subpoena is issued and that person decides not to show up

Mr. Lara said we would ask the City Attorney.

13. Items for Future Commission Consideration

There were no items discussed for future consideration.

14. **Adjournment**

The Commission adjourned at 7:06 PM.

Respectfully submitted,



PHOEBE SHERRON

Sr. Office Specialist